

REMARKS

The Office examined claims 1-22 and rejected claims 8-10 and 21. With this paper the claims are unchanged.

Claim Rejections under 35 USC §103

At paragraph 5 of the Office action, claims 8-10 and 21 are rejected under 35 USC §103(a) as being unpatentable over Suumäki et al. (US 6,590,905). Of the claims so rejected, claims 8, 9 and 21 are independent.

Claims 8 and 9

In traversing the rejections of claims 8 and 9, applicant explained (in response to the Office action preceding the present final Office action) that both claims 8 and 9 recite a network continuing to provide messages for an old SAPI after providing to a UE device a request to change to a new SAPI and also providing the messages for the new SAPI, i.e. the same messages as for the old SAPI. The Office action cites Suumäki at col. 6, ll. 27-38, and col. 9, ll. 19-23, and refers to Fig. 8 for such disclosure. Thus, according to claims 8 and 9, there is communication of the same messages over both the old SAPI and the new SAPI for a period of time. Applicant then argued that the teachings of Suumäki are not relevant in case of changing from an old SAPI to a new SAPI, since Suumäki is directed to XID/PDCP renegotiation, which is different and distinct from a change from an old SAPI to a new SAPI. In particular, as noted above, the invention aims at solving the problem of changing an existing connection to a new SAPI because of the time needed for XID/PDCP negotiation over the new SAPI (in order to determine parameters to use for the new SAPI). Applicant further argued that the Office relies on Suumäki for disclosing (from claim 6) a receiver using old parameters for (receiving) incoming packets without a modified change indicator and using new parameters for (receiving) incoming packets with a

modified change indicator until a negotiation timer expires, but this is not the same as *providing the same* messages on both an old SAPI and a new SAPI, as in (amended) claims 8 and 9, even assuming *arguendo*, that the old packets of Suumäki are transmitted on an old SAPI and the new packets of Suumäki are transmitted on a new SAPI. Applicant then concluded that even assuming *arguendo* that a communication on a given SAPI using old XID/PDCP parameters and then new such parameters is the same or in any way analogous to a change from an old SAPI to a new SAPI, Suumäki nowhere ever discloses communicating using both old and new parameters for the same packets at the same time, as would be required by claims 8 and 9 (if the analogy of XID/PDCP negotiation to change in SAPI were sensible).

The Office has now responded to applicant's traversal by asserting that "the feature upon which Applicant relies (e.g. the communicating using both old and new parameters for the same packets at the same time") is not recited in the claim(s)."

Applicant respectfully points out that applicant is not relying on this feature for patentability. As the record make clear, applicant argued that even assuming *arguendo* the equation that a communication on a given SAPI using old XID/PDCP parameters and then new such parameters is the same as a change from an old SAPI to a new SAPI, Suumäki nonetheless nowhere ever discloses communicating using both old and new parameters for the same packets at the same time. In other words even assuming, merely for the purpose of argument, that the equation were true, to reject the claims based on the equation there would have to be-- but there is not--a teaching by Suumäki of communicating using both old and new parameters for the same packets at the same time, because claims 8 and 9 recite communication of the same messages over both the old SAPI and the new SAPI for a period of time. This communication over two SAPIs of the same messages at the same time is a feature relied on for patentability.

But as applicant has argued, the equation is not true. A communication on a given SAPI using old XID/PDCP parameters and then new such parameters is not at all the same thing as a change from an old SAPI to a new SAPI. The former requires one SAPI, and the latter requires two.

Thus, the invention is distinguished from Suumäki in that Suumäki fails to disclose communication of the same messages over both an old SAPI and a new SAPI for a period of time, as required by claims 8 and 9.

Claim 21 is believed patentable over Suumäki for the same reasons given for claims 8 and 9.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 of claims 8, 8 and 21 and also those of the claims not argued (in view of their dependencies) be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are now in condition for allowance, and their passage to issue is earnestly solicited.

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